

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JABARI BAKER,

Plaintiff,

**ORDER**

- against -

18 Civ. 5003 (NRB)

NYPD OFFICER PEDRO JIMINIAN, NYPD  
OFFICER TENZIN GYALTSEN, and NYPD  
SERGEANT HUI CHI,

Defendants.

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

This Order resolves the dispute raised in the parties' sealed letters dated November 1 and November 6, 2019. The Court concludes that the prior disciplinary proceeding is not relevant to any issue in this litigation. Moreover, even if the prior disciplinary proceeding directly involved the underlying domestic incident, it would still be inadmissible. Admission of extrinsic acts as evidence of a pattern or practice under Federal Rule of Evidence 404(b) is permitted only if those acts share "unusual characteristics" with the acts alleged or represent a "unique scheme." Berkovich v. Hicks, 922 F.2d 1018, 1022 (2d Cir. 1991). However, the prior alleged conduct does not share the requisite "unusual characteristics" with the acts alleged in this case or

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otherwise reflect a "unique scheme" of behavior. *Id.* Plaintiff's motion is accordingly denied.

**SO ORDERED.**

Dated: New York, New York  
November 13, 2019

  
Naomi Reice Buchwald  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE